

AMENDED IN ASSEMBLY APRIL 22, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 629**

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**Introduced by Assembly Member Krekorian**

February 25, 2009

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An act to add Section 17577.5 to the Education Code, and to add Section 75020.5 to the Public Resources Code, relating to school facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 629, as amended, Krekorian. School facilities: water.

(1) Existing law establishes the School Facilities Needs Assessment Grant Program under which grants are awarded to school districts on behalf of schoolsites ranked in deciles 1 to 3, inclusive, on the Academic Performance Index, as specified. A school district that receives a grant is required to use the funds to develop a comprehensive needs assessment of all schoolsites eligible for grants. Among the information the assessment is required to contain is the useful life remaining on all major building systems, including the water system, for each structure housing instructional space.

This bill would require a school district by January 1, 2012, to conduct a one-time analysis of the level of lead in water in schools *that were constructed before January 1, 1993, except schools with plumbing that has not been updated completely replaced since January 1, 1993*. The State Department of Public Health would be required to establish testing protocols. Water samples would be required to be analyzed by a laboratory that is certified by the State Department of Public Health or

the United States Environmental Protection Agency. A school district would be required to report the results of the analysis to the State Department of Education, which would be required to make the information available to the public.

The bill would authorize a school district, if the analysis reveals the presence, at specified levels, of lead in water that is available, as specified, for human consumption on a schoolsite, to compete for funding from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

By requiring school districts to conduct the analysis and report the results to the department, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 17577.5 is added to the Education Code,
- 2 to read:
- 3 17577.5. (a) By January 1, ~~2010~~ 2012, a school district shall
- 4 conduct a one-time analysis of the level of lead in water in schools
- 5 *that were constructed before January 1, 1993, except schools with*
- 6 *plumbing that has not been updated since been completely replaced*
- 7 *on or after January 1, 1993.* Only water dispensed from drinking
- 8 water fountains and other fixtures that are intended to convey water
- 9 for human consumption shall be analyzed. The analysis shall
- 10 include, but not be limited to, a determination of the presence and
- 11 amount of lead in the water.
- 12 (b) The State Department of Public Health shall establish testing
- 13 protocols. Water samples shall be analyzed by a laboratory that is
- 14 certified by the State Department of Public Health or the United
- 15 States Environmental Protection Agency. The school district may

1 contract with a private certified laboratory or the county health  
2 department laboratory, whichever is more cost-effective.

3 (c) A school district that has conducted an analysis pursuant to  
4 this section shall report the results of the analysis to the department,  
5 which shall make the information available to the public.

6 (d) If the analysis reveals the presence of lead in water that is  
7 available from a drinking water fountain or other fixture intended  
8 to convey water for human consumption on a schoolsite at a  
9 concentration that exceeds the lead action level in the federal lead  
10 and copper rule of 15µg/L, the school district maintaining the  
11 schoolsite is eligible to compete for funds made available from  
12 the Safe Drinking Water, Water Quality and Supply, Flood Control,  
13 River and Coastal Protection Bond Act of 2006, as set forth in  
14 Division 43 (commencing with Section 75001) of the Public  
15 Resources Code in order to mitigate the contamination.

16 SEC. 2. Section 75020.5 is added to the Public Resources Code,  
17 to read:

18 75020.5. If a school district completes an analysis of water  
19 toxicity levels in its schools pursuant to Section 17577.5 of the  
20 Education Code and the assessment analysis reveals the presence  
21 of lead *at a concentration that exceeds the lead action level in the*  
22 *federal lead and copper rule of 15µg/L* in water that is available  
23 for human consumption on a schoolsite, the school district  
24 maintaining the schoolsite is eligible to compete for funds made  
25 available pursuant to this chapter.

26 SEC. 3. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.